

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OHIO
(EASTERN DIVISION)

FILED

10 NOV -4 PM 3:31

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

RYAN PALMER
5309 Snow Rd.
Parma, OH

Plaintiff

vs.

MIDLAND FOOD SERVICES, INC., dba
PIZZA HUT
5700 Lombardo Dr.
Independence, OH 44131

Defendant

1:10 Case No.

CV 2525

Judge

JUDGE GWIN
MAG. JUDGE BAUGHMAN

COMPLAINT

Statement of Claim
and
Jurisdiction

Pursuant to 38 USC §§4301, et seq., this action is brought to enforce the reemployment rights of the Plaintiff, a member of the U.S. Uniformed Services.

The basis for this Court's jurisdiction is 38 USC §4323(b).


1. At all times relevant, Plaintiff was and remains a "person whose absence from a position of employment is necessitated by reason of service in the Uniformed Services" within the meaning of 38 USC §4312(a).

2. At all times relevant, Defendant was and remains Plaintiff's "employer" within the meaning of 38 USC §4312(a).

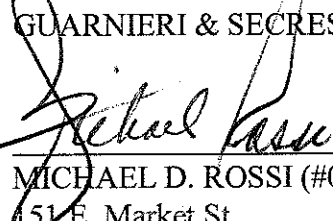
3. Plaintiff was activated for uniformed service in Iraq on 6/1/09.

4. Theretofore, Plaintiff gave the Defendant advance notice of that activation.
5. The cumulative length of Plaintiff's absence et al. previous absences from such employment by reason of service in the uniformed services did not exceed five years.
6. Plaintiff's period of service ended on 7/5/10.
7. On or about 7/27/10, Plaintiff submitted his attached application for reemployment to the Defendant.
8. To date, the Defendant has refused to reemploy the Plaintiff and has, willfully and otherwise, failed to comply with the provisions of 38 USC §§4301 et seq.

WHEREFORE, Plaintiff demands judgment against the Defendant (1) to compensate him for the loss of wages and benefits suffered by reason of its stated failure to comply; (2) for liquidated "double" damages by reason of the willfulness of its failure to comply; and (3) for an award of reasonable attorney fees, expert witness fees and other litigation expenses.


MARTY D. NOSICH (#0076435)
143 W. Main St.
Cortland, OH 44410
Phone: (330)638-1529
Fax: (330)638-1526
Email: mnosichlaw@yahoo.com

and

GUARNIERI & SECREST

MICHAEL D. ROSSI (#0005591)
151 E. Market St.
P.O. Box 4270
Warren, OH 44482
Phone: (330)393-1584
Fax: (330)395-3831
Email: mrossi@gsfirm.com
Attorneys for Plaintiff